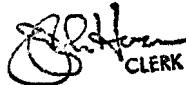


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 09 2008

B. Johnson
CLERK

UNITED STATES OF AMERICA,

CR08-40057

Plaintiff,

ORDER DISMISSING COUNT 1 OF
INDICTMENT

vs.

DANIEL DAVID KJERGAARD,

Defendant.

The Court having reviewed the Government's Motion to Dismiss Count 1 of Indictment, and good cause appearing therefor, it is hereby

ORDERED that Count 1 of the Indictment in the above-captioned matter is hereby dismissed.

Dated this 9th day of September, 2008.

BY THE COURT:



ATTEST:
JOSEPH A. HAAS, Clerk

LAWRENCE L. PIERSOL
United States District Court Judge

By: Shelly Margulies
Deputy